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Draft GOR Regulation on Phyto Control of Imported Planting Seeds and Materials

Report Categories:

Planting Seeds

Sanitary/Phytosanitary/Food Safety

WTO Notifications

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Report Highlights:

On August 18, 2016, Russia notified the World Trade Organization (WTO) of the draft Russian Government Regulation (Resolution) on the quarantine phytosanitary control of imported planting seeds and planting materials via [G/SPS/N/RUS/131](#). According to the notification, the regulation specifies the measures of quarantine phytosanitary control at shipment and production (including processing) sites of regulated products, imported for sowing and planting, from foreign countries, or a group of foreign countries where the spread of specific quarantine objects for such regulated products was detected. The 60-day public comment period for the draft will close on October 17, 2016. Interested U.S. parties are encouraged to share their comments and/or concerns with USDA's enquiry point (us.spsenquirypoint@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by October 7, 2016.

General Information:

On August 18, 2016, Russia notified the World Trade Organization (WTO) of the draft Russian Government Regulation (Resolution) on the quarantine phytosanitary control of imported planting seeds and planting materials via [G/SPS/N/RUS/131](#).

- Approval of the procedures for implementing quarantine phytosanitary control at the places of production (including processing) and shipment of regulated articles imported for planting and seeding from foreign states or a group of foreign states where the spread of quarantine objects common for such regulated articles is detected, in compliance with the international agreements of the Russian Federation

The draft is developed for implementation as Part 3 Article 15 of the Federal Law of the Russian Federation No. 206-FZ of July 21, 2014 “On Plant Quarantine.” It refers to articles imported into the Russian Federation for planting and seeding. Control at the places of production will be a system of measures, which target to determine the quarantine phytosanitary status of the place of production (including processing) and the places of shipment of the regulated products (articles) sent as imports to the Russian Federation (hereinafter – places of production). According to the Note to this draft, the purpose of such control is to determine the conformity of the regulated products to be shipped to Russia, with the quarantine phytosanitary requirements of the Russian Federation. The control in the places of production is to be performed for all kinds of quarantine objects (pests) typical for the given specie of regulated product in the place of its production (including processing). The control, as said, is to be performed in accordance with international standards and regulations. The fulfillment of such control will be performed by the Federal Service for Veterinary and Phytosanitary Surveillance (VPSS).

The 60-day public comment period for the draft will close on October 17, 2016. Interested U.S. parties are encouraged to share their comments and/or concerns with the USDA's enquiry point (us.spsenquiry@fas.usda.gov). For potential inclusion in the U.S. official position, please send your comments by October 7, 2016

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Draft

RESOLUTION
“ ” _____ 2016. No. _____
Moscow

On approval of the Procedure of quarantine phytosanitary control in the places of production (including processing), shipment of regulated quarantine products imported for the purpose of its use for sowing and planting from the foreign countries or groups of foreign countries where spread of specific quarantine objects for such quarantine products was detected, in accordance with the international treaties of the Russian Federation

For the implementation of Part 3, Article 15 of the Federal Law of the Russian Federation No. 206-FZ of July 21, 2014 “On Plant Quarantine” the Government of the Russian Federation decrees:

1. To approve the procedures of quarantine phytosanitary control in the places of production

(including processing), shipment of regulated quarantine products imported for the purpose of its use for sowing and planting from the foreign countries or groups of foreign countries where spread of specific quarantine objects for such quarantine products was detected, in accordance with the international treaties of the Russian Federation,

2. The implementation of the powers envisaged by the present resolution is carried out by the Federal Service for Veterinary and Phytosanitary Surveillance within the limits established by the Government of the Russian Federation for the number of its employees and the budget allocations envisaged in the federal budget for the management and administration in the sphere of its functions.

Chairman of the Government
of the Russian Federation

D. Medvedev

Approved by
Resolution of the Government of
the Russian Federation
dated _____ 2016, No. _____

**Procedure for Implementing Quarantine Phytosanitary Control at the Places of Production
(including Processing) and Shipment of the Regulated Articles Imported for Planting and Seeding
from Foreign States or a Group of Foreign States, where the Spread of Quarantine Objects (Pests)
for Such Regulated Articles is Detected, in Compliance with the International Agreements of the
Russian Federation**

1. General Provisions

1. This procedure establishes rules for implementing quarantine phytosanitary control (surveillance) at the places of production (including processing) and shipment of the regulated articles imported for the purpose of planting and seeding from foreign states or groups of foreign states where the spread of quarantine objects (pests) common for such regulated articles is detected, in compliance with the international agreements of the Russian Federation (hereinafter – the Procedure, Rules, control (surveillance) at the places of production).
2. Control (surveillance) at the places of production is conducted by the federal body of executive power which exercises functions of control (surveillance) in the sphere of plant quarantine (hereinafter – the surveillance agency).
3. Control (surveillance) at the places of production comprises a system of measures aimed at defining quarantine phytosanitary status of the places of production (including processing) of the regulated articles and places of shipment of the regulated articles intended for import to the Russian Federation (hereinafter – places of production).
4. The goal of exercising control (surveillance) at the production places is to ensure that the regulated articles intended for import to the Russian Federation comply with the quarantine phytosanitary requirements of the Russian Federation.
5. Control (surveillance) at the production places is implemented in relation to all quarantine objects (pests) common for a particular category of regulated articles at the places of its production (including processing).
6. In the course of control (surveillance) at the production places the following international

standards on phytosanitary measures established by the International Plant Protection Convention (IPPC) and the European and Mediterranean Plant Protection Organization (EMPPO) are applied:

- 6.1. Requirements for the establishment of pest free areas. ISPM No. 4. 1995. IPPC Secretariat, FAO, Rome (Italy).
- 6.2. Guidelines for surveillance. ISPM No. 6. IPPC Secretariat, FAO, Rome (Italy).
- 6.3. Export certification system. ISPM No. 7. IPPC Secretariat, FAO, Rome (Italy).
- 6.4. Determination of pest status in an area. ISPM No. 8, IPPC Secretariat, FAO, Rome (Italy).
- 6.5. Requirements for the establishment of pest free places of production and pest free production sites. ISPM No. 10. IPPC Secretariat, FAO, Rome (Italy).
- 6.6. Guidelines for phytosanitary certificates. ISPM No. 12. IPPC Secretariat, FAO, Rome (Italy). EMPPO Standards.

Other international standards for phytosanitary measures, regional standards, guidelines and/or guidance in the sphere of plant quarantine adopted by the IPPC and EMPPO after this Procedure has entered into force.

II. Procedure for Implementing Quarantine Phytosanitary Control (Surveillance)

7. Control (surveillance) at the places of production is conducted in the following cases.
 - 7.1. With the initiation of shipments of the regulated articles from the sites and places of production located in foreign states or a group of foreign states, whereas the information on their quarantine phytosanitary status is not available in the federal body of executive power undertaking functions on control and surveillance in the sphere of plant quarantine.
 - 7.2. Shipments of new batches of the regulated articles with an unidentified or unknown degree of phytosanitary risk.
 - 7.3. Systemic failures to comply with the quarantine phytosanitary requirements of the Russian Federation.
 - 7.4. Delivery of appeals from national plant protection organizations (NPPOs) of foreign states to the surveillance agency.
8. The primary stages of implementing phytosanitary control (surveillance) are:
preparatory – analysis of the available information;
quarantine phytosanitary control (surveillance) per se.
9. During the preparatory stage, the surveillance agency reviews the following available information:
 - on quarantine phytosanitary control (surveillance) system of a particular state;
 - on arrangements of activities and organizational structure of NPPO of a particular state;
 - on functional capabilities of NPPO of a particular state;
 - on the availability of skilled personnel in NPPO of a particular state;
 - on the availability of material and technical resources, including diagnostic tools, in NPPO of a particular state;
 - on regulatory and legal documentation and guidelines of a particular state in the sphere of plant quarantine and protection;
 - on practices of using control procedures and monitoring systems envisaged in the said

documentation;

- on quarantine phytosanitary status of the territory of a particular state;
- on the regulation of procedures for the notification of relevant international organizations on the presence of hot spots of quarantine objects (pests), quarantine phytosanitary areas;
- on the availability of bilateral and/or multilateral international agreements on plant quarantine between a particular state and other states and/or member states of the Eurasian Economic Union (EAEU);
- on notifications of the Russian Federation relating to a particular state and on emergency quarantine phytosanitary measures applied by the Russian Federation and/or other states.

The surveillance agency has the right to request other data from the competent authority of the exporting contracting party (hereinafter - ECP) necessary for exercising quarantine phytosanitary control (surveillance).

10. As soon as the preparatory stage is completed, the surveillance agency will, based on the results of the information review, make a decision on exercising Control (surveillance) in the places of production.
11. The surveillance agency has the right to invite experts employed by state and interstate bodies and institutions (except interpreters) for their assistance on the following issues:
 - review of the legislation of a particular state in the sphere of assurance of plant quarantine, analysis of its assurance and effectiveness;
 - NPPO organizational structure and terms of reference in a particular state, its independence on other bodies of state power and management of the NPPO;
 - training and professional development of the NPPO personnel involved in the application of phytosanitary measures in a particular state;
 - analysis of the available material and technical resources, including diagnostic tools;
 - application of quarantine phytosanitary procedures and monitoring systems set forth in the documents;
 - phytosanitary condition of the facilities area, production places/sites;
 - technologies of cultivation of crops, ornamental plants and forest crops, plant protection systems;
12. Control (surveillance) at the places of production envisages verification of the fact that the following phytosanitary procedures have been carried out in the places of production of the regulated articles intended for importation to the Russian Federation:
 - documenting and regularly updating the information on the quarantine phytosanitary requirements of the Russian Federation necessary for the phytosanitary certification;
 - issuance of office instructions for assuring compliance with the quarantine phytosanitary requirements of the Russian Federation;
 - implementation of procedures of examination, sampling and laboratory testing of the regulated articles and regulated materials for the purposes associated with the phytosanitary certification;
 - completion and release of phytosanitary certificates;
 - maintaining of copies of the released phytosanitary certificates and other documents pertaining to the file;

- availability of a system which will prevent potential conflicts of interest, issuance or use of certificates for misleading officials of the surveillance agency or NPPO of a particular state;
 - review of notifications of the Russian Federation related to a particular state and undertaking (if necessary) corrective measures;
 - ensuring phytosanitary safety of freight from the date of their phytosanitary certification to the date of their clearance;
 - analysis of the effectiveness of the phytosanitary certification system;
 - implementation of the procedures for examination, sampling and testing of the plants, regulated articles and regulated materials intended for importation to the Russian Federation, which are established by the legislation of a particular state and the Russian Federation in the sphere of plant quarantine assurance;
 - conducting of examinations, monitoring and control of the territory of a particular state to define phytosanitary status of the production places declared in the phytosanitary certificates;
 - undertaking necessary and/or prescribed, mandatory phytosanitary actions, their oversight or audit;
 - personnel training and professional development on a regular basis;
 - verification of competence of the authorized personnel;
 - laboratory and personnel accreditation procedures established by the legislation of a particular state in the sphere of plant quarantine assurance.
13. In the course of control (surveillance) at the places of production of the regulated articles and places of shipment of the regulated articles, and the regulated articles intended for import to the Russian Federation, their quarantine phytosanitary condition is evaluated by making examinations, taking samples and laboratory testing of these samples.
14. In the course of control (surveillance) at the places of production, the surveillance agency compares the available information about ECP quarantine phytosanitary control system with observations highlighting the application of this system; the aim of such comparison is to verify compliance with the requirements for the examinations, monitoring and the phytosanitary certification established by the legislation of a particular state in the sphere of plant quarantine assurance.
15. Upon completion of the preparatory stage and the stage of implementation of quarantine phytosanitary control (surveillance), the surveillance agency will compile a draft report on the quarantine phytosanitary control (surveillance) which contains a preliminary conclusion on the quarantine phytosanitary condition of the places of production (including processing) of the regulated articles, places of shipment of the regulated articles, and the regulated articles intended for importation into the Russian Federation.

The surveillance agency will deliver the draft report on quarantine phytosanitary control (surveillance) and its conclusions to ECP's competent authority.

16. ECP's competent authority and other stakeholders of a particular state have the right to submit to the surveillance agency additional data and clarification relating to the conclusions contained in the draft report within 2 months from the date of its receipt.
17. The surveillance agency will review information described in this Procedure, para 16, and

compile a final report within 2 months from the date of its receipt.

18. The final report should include a conclusion on the quarantine phytosanitary condition of the places of production (including processing) of the regulated articles, places of shipment of the regulated articles, and the regulated articles intended for importation into the Russian Federation, as well as on correspondence of ECP's quarantine phytosanitary control (surveillance) system to the level sufficient for ensuring compliance of the regulated articles and the regulated materials intended for import to the Russian Federation with the quarantine phytosanitary requirements of the Russian Federation.
19. Based on the final report, the surveillance agency will make a decision whether it is allowed to import into the Russian Federation the regulated articles and the regulated materials from a particular place of production (including processing), place of shipment. The adopted decision will be communicated by the federal body of executive power, undertaking functions on control and surveillance in the sphere of plant quarantine, to ECP NPPO.
20. The surveillance agency has the right to make a decision on re-inspection – to repeat quarantine phytosanitary control (surveillance) of the places of production (including processing) of the regulated articles, places of shipment of the regulated articles, and the regulated articles intended for importation into the Russian Federation but not more often than once a year, with the exception of cases specified in item 22 of this Procedure.

The re-inspection - quarantine phytosanitary control (surveillance) should be scheduled and exercised with the consideration of its practicability and the need to minimize the scope of information to be provided by ECP's competent authority.

21. Based on the final report which contains a conclusion on the unsatisfactory quarantine phytosanitary condition of the places of production (including processing) of the regulated articles, places of shipment of the regulated articles, and the regulated articles intended for export to the Russian Federation and on the failure of ECP's quarantine phytosanitary control (surveillance) system to correspond to the adequate level of phytosanitary security, the federal body of executive power undertaking functions on control (surveillance) in the sphere of plant quarantine, might consider the issue of allowing the importation of the regulated articles produced by (a) specific ECP facility(ies), solely as a result of positive outcome of the quarantine phytosanitary control (surveillance) of the places of production (including processing) of the regulated articles, places of shipment of the regulated articles, and the regulated articles intended for export to the Russian Federation. This decision should be made with consideration of the available notifications on noncompliance, knowledge of the organizational structure and terms of reference of the competent authority of a particular third party and other relevant information. In case of unsatisfactory results of the quarantine phytosanitary control (surveillance) at some of the inspected facilities, the federal body of executive power undertaking functions on control (surveillance) in the sphere of plant quarantine can make a decision on suspending export from these facilities.
22. In cases where unsatisfactory results in the course of inspection have been obtained for over 60% of the inspected facilities, which indicates that the official phytosanitary control system has major deficiencies, the surveillance agency is entitled to make a decision on putting a ban on export of the regulated articles from the state.
In cases where a decision is made to put a ban on export of the regulated articles from a state, the surveillance agency will inform immediately the authorized bodies of the EAEU member states

on the adopted decision and attach the report on examination which provided a basis for making this decision.

23. In cases where the quarantine phytosanitary condition of the places of production (including processing) of the regulated articles, places of shipment of the regulated articles, and the regulated articles intended for export to the Russian Federation have been recognized unsatisfactory and/or ECP's quarantine phytosanitary control system is not capable to ensure an adequate level of phytosanitary security, the competent authority of a particular state has the right to re-address the surveillance agency for exercising control (surveillance) at the places of production after the elimination of found deficiencies.

The surveillance agency has to accept such requests and, with the aim of minimizing the scope of necessary work, to implement the procedure of compliance recognition, using information received during the earlier inspection – control (surveillance) at the places of production.

In cases where only minor deficiencies were found during the initial inspection, it could be sufficient to conduct only the review of the corrective actions undertaken to eliminate such shortages.

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